

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Tuesday, April 30, 2019 9:12 AM
To: Tracy, Mary
Subject: FW: SUPPORT CRIMINAL RULE CHANGES: CrR 3.7, CrR 3.8, CrR 3.9, CrR 4.7, CrR4.11

From: Robert O'Neal [mailto:roneal@snocopda.org]
Sent: Tuesday, April 30, 2019 9:08 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: SUPPORT CRIMINAL RULE CHANGES: CrR 3.7, CrR 3.8, CrR 3.9, CrR 4.7, CrR4.11

To the Supreme Court of Washington State:

I write to personally encourage the court to adopt the proposed changes to these criminal rules.

As a public defender for almost 17 years, I see these proposed changes as CRITICAL to improving the reliability of our criminal justice system:

All witness interviews and identification processes should be recorded so that they can be accurately appraised and referred back to during the trial process. It is unconscionable that the current system allows a witness (often, in my experience, law enforcement officers!) to refuse to be recorded when interviewed; what purpose does such a refusal serve, other than to obscure the truth and give a witness room to adjust their "memory" and testimony without repercussions?

Similarly, in this information-age society we live in, there is no justification for FAILING to record such a critical stage in an investigation as the initial eyewitness identification process or a suspect's interrogation by police.

CrR 3.7, CrR 3.8, and CrR 4.11 are all rules of critical importance.

Science bears out that in-court "identification" procedures (whereby a witness dramatically points to the defendant—usually the only possible candidate in the courtroom—and declares that he is the criminal suspect) are worthless evidence, and should be prohibited. CrR 3.9 must be implemented.

Finally, the proposed changes to CrR 4.7, which reinforce the prosecutor's Brady obligations and permit defense attorneys to redact discovery and make it available to clients and others who need to read it and assist with the defense are simple common sense changes. Please implement these changes as well.

Thank you for all you do to improve justice in our state.

Robert O'Neal
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